

Presentment Date: October 6, 2023 at 10:00 a.m. (Prevailing Eastern Time)
Objection Deadline: October 4, 2023 at 12:00 p.m. (Prevailing Eastern Time)

CLEARY GOTTLIEB STEEN & HAMILTON LLP
Sean A. O'Neal
Luke A. Barefoot
Jane VanLare
One Liberty Plaza
New York, New York 10006
Telephone: (212) 225-2000
Facsimile: (212) 225-3999

*Counsel to the Debtors
and Debtors-in-Possession*

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK**

In re:

Genesis Global Holdco, LLC, *et al.*,¹

Debtors.

Chapter 11

Case No.: 23-10063 (SHL)

Jointly Administered

**NOTICE OF PRESENTMENT OF FOURTH STIPULATION AND AGREED ORDER
FURTHER EXTENDING TIME TO TAKE ACTION, TO THE EXTENT NECESSARY,
TO DETERMINE THE NONDISCHARGEABILITY OF A DEBT OWING TO A
GOVERNMENTAL UNIT PURSUANT TO 11 U.S.C. §1141(d)(6)**

PLEASE TAKE NOTICE that, on January 19, 2023 (the “Petition Date”), Genesis Global Holdco, LLC (“Holdco”) and its debtor affiliates, as debtors and debtors-in-possession in the above-captioned chapter 11 cases (collectively, the “Debtors”), each filed a voluntary petition for relief under chapter 11 of title 11 of the United States Code, 11 U.S.C. §§ 101 *et seq.* (the “Bankruptcy Code”) with the United States Bankruptcy Court for the Southern District of New York (the “Bankruptcy Court”).

PLEASE TAKE FURTHER NOTICE that, the Debtors shall present the *Fourth Stipulation and Agreed Order Further Extending Time to Take Action, to the Extent Necessary, to Determine the Nondischargeability of a Debt Owing to a Governmental Unit Pursuant to 11 U.S.C.*

¹ The Debtors in these Chapter 11 Cases, along with the last four digits of each Debtor's tax identification number (as applicable), are: Genesis Global Holdco, LLC (8219); Genesis Global Capital, LLC (8564); Genesis Asia Pacific Pte. Ltd. (2164R). For the purpose of these Chapter 11 Cases, the service address for the Debtors is 250 Park Avenue South, 5th Floor, New York, NY 10003.

§1141(d)(6) attached hereto as **Exhibit 1** (the “Stipulation and Order”) to the Honorable Sean H. Lane, United States Bankruptcy Judge, for signature on **October 6, 2023 at 10:00 a.m. (prevailing Eastern Time)**.

PLEASE TAKE FURTHER NOTICE that any responses or objections (each an “Objection”) to the Stipulation and Order must be made in writing and received in the chambers of the Honorable Sean H. Lane and by the undersigned not later than **October 4, 2023 at 12:00 p.m.** (the “Objection Deadline”).

PLEASE TAKE FURTHER NOTICE that in the event any Objections to the proposed Order are timely filed and served on or before the Objection Deadline as set forth herein, a hearing to consider the Stipulation and Order and such Objection(s) shall be scheduled by the Bankruptcy Court.

Dated: September 29, 2023
New York, New York

/s/ Sean A. O'Neal
Sean A. O'Neal
Luke A. Barefoot
Jane VanLare
CLEARY GOTTLIEB STEEN &
HAMILTON LLP
One Liberty Plaza
New York, New York 10006
Telephone: (212) 225-2000
Facsimile: (212) 225-3999

*Counsel to the Debtors
and Debtors-in-Possession*

Exhibit 1

Stipulation and Order

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK

<i>In re:</i>)	Case No. 23-10063 (SHL)
)	Chapter 11
Genesis Global Holdco, LLC, <i>et al.</i> ,)	
)	(Jointly Administered)
Debtors. ¹)	
)	

**FOURTH STIPULATION AND AGREED ORDER FURTHER EXTENDING TIME TO
TAKE ACTION, TO THE EXTENT NECESSARY, TO DETERMINE THE
NONDISCHARGEABILITY OF A DEBT OWING TO A GOVERNMENTAL UNIT
PURSUANT TO 11 U.S.C. §1141(d)(6)**

WHEREAS, the Parties² entered into that certain *Stipulation and Agreed Order Extending Time to Take Action, to the Extent Necessary, to Determine the Nondischargeability of a Debt Owing to a Governmental Unit Pursuant to 11 U.S.C. §1141(d)(6)* [ECF No. 418] dated June 12, 2023 (the “First Stipulation”), extending the date by which the Governmental Parties must file their complaint or take action that may be required, if any, in these Chapter 11 Cases to determine the nondischargeability of a debt, pursuant to Section 1141(d)(6) or Section 523 of the Bankruptcy Code to July 31, 2023 (“Nondischargeability Deadline”), which was approved by the Court on July 12, 2023 [ECF No. 494];

¹ The Debtors in these Chapter 11 cases and the last four digits of each Debtor’s taxpayer identification number are as follows: Genesis Global Holdco, LLC (8219); Genesis Global Capital, LLC (8564); and Genesis Asia Pacific Pte. Ltd. (2164R). For the purpose of these Chapter 11 cases, the service address for the Debtors is 250 Park Avenue South, 5th Floor, New York, NY 10003.

² Capitalized terms used but not defined herein shall have the meaning ascribed to them in the First Stipulation.

WHEREAS, on July 25, 2023, the Parties stipulated to further extend the Nondischargeability Deadline to August 31, 2023 [ECF No. 541], which was approved by the Court on August 10, 2023 [ECF No. 593] (the “Second Stipulation”);

WHEREAS, on August 29, 2023, the Parties stipulated to further extend the Nondischargeability Deadline to September 29, 2023 [ECF No. 630] (the “Third Stipulation”);

WHEREAS, the Governmental Parties now seek a further extension of the Nondischargeability Deadline, and without binding precedent in this jurisdiction on this issue, and in order to avoid unnecessary litigation, the undersigned parties nonetheless jointly seek a further extension of the Section 523(c)/Rule 4007(c) deadline out of an abundance of caution, without prejudice to the Governmental Parties’ right to seek further extensions (this “Fourth Stipulation”);

Based on the foregoing stipulation of the parties, it is ORDERED that:

1. To the extent Section 523(c) or Rule 4007(c) applies, the date by which the Governmental Parties must file their complaint or take other action that may be required, if any, in these Chapter 11 cases to determine the nondischargeability of a debt, pursuant to Section 1141(d)(6) or Section 523 of the Bankruptcy Code, shall be October 31, 2023, or such later date as may be ordered by the Court, without prejudice to the Governmental Parties’ right to seek further extensions of the date.

2. This Fourth Stipulation represents the entire agreement by and between the Parties with respect to the subject matter hereof, and all prior understandings or agreements, if any, are merged into this Fourth Stipulation.

3. Other than as set forth in paragraphs 1 and 2 hereof, nothing in this Fourth Stipulation shall, or is intended to, modify any terms, conditions or provisions of the First Stipulation, the Second Stipulation, or the Third Stipulation and all such terms, conditions and provisions of the First Stipulation, the Second Stipulation, and the Third Stipulation shall continue to apply to this Fourth Stipulation.

IT IS SO ORDERED.

Dated: _____
White Plains, New York

THE HONORABLE SEAN H. LANE
UNITED STATES BANKRUPTCY JUDGE

IN WITNESS WHEREOF, the Parties, by their respective authorized counsel, have executed this Fourth Stipulation as of the date written below:

Dated: September 29, 2023
New York, New York

By: /s/ Sean A. O'Neal

Sean A. O'Neal
Luke A. Barefoot
Jane VanLare
CLEARY GOTTLIEB STEEN
& HAMILTON LLP
One Liberty Plaza
New York, New York 10006
Telephone: (212) 225-2000
Facsimile: (212) 225-3999

Counsel to the Debtors and Debtors-in-Possession

/s/ Sean T. Flynn

LAYLA D. MILLIGAN
Texas State Bar No. 24026015
SEAN T. FLYNN
Texas State Bar No. 24074214
ROMA N. DESAI
S.D.N.Y. Bar No. RD8227
Texas Bar No. 24095553
Office of the Attorney General of Texas
Bankruptcy & Collections Division
P. O. Box 12548
Austin, Texas 78711-2548
Telephone: (512) 463-2173
Facsimile: (512) 936-1409
layla.milligan@oag.texas.gov
autumn.highsmith@oag.texas.gov
abigail.ryan@oag.texas.gov
roma.desai@oag.texas.gov

Counsel for the Texas State Securities Board and the Texas Department of Banking

- and -

/s/ Jeffrey Bernstein

McELROY, DEUTSCH, MULVANEY &
CARPENTER, LLP
Jeffrey Bernstein, Esq.
Virginia T. Shea, Esq.
570 Broad Street, Suite 1401
Newark, New Jersey 07102
Telephone: (973) 565-2183
Facsimile: (973) 622-5314
Email: jbernstein@mdmc-law.com
vshea@mdmc-law.com

Counsel for the New Jersey Bureau of Securities